IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 8048 of 2007(G)

PETITIONER:

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1. V.M.JABBAR,S/O.MOHAMMED,AGED 43 YEARS, VATTAPARAMBIL HOUSE,VIRUPPAKKA,VAZHANI P.O, THRISSUR,(SECRETARY,INTUC (1) UNION,VIRUPPAKA, THRISSUR).

2. C.I.JACOB,S/O.ISSAC,CHIRAYATH HOUSE, VAZHANI P.O,THRISSUR (HEADLOAD WORKER INTUC, VIRUPPAKA,THRISSUR)

3. K.A.VEERAN,KUZHIPEEDIKAYIL HOUSE, VAZHANI P.O.,THRISSUR DISTRICT.(HEAD LOAD WORKER INTUC,VIRUPPAKA)

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. THE DISTRICT LABOUR OFFICER,THRISSUR.

2. THE ASSISTANT LABOUR OFICER, WADAKKANCHERRY,THRISSUR.

3. NOUSHAD,S/O.USMAN,PANIKKAVEETTIL HOUSE, VAZHANI P.O,VIRUPPKKA,THRISSUR.

4. UMMER P.M,S/O.AYSHA,PADINJARANVEEDU, KAKKINIKKADU,VAZHANI P.O.,THRISSUR.

5. AJITHA KUMARAN P.K,S/O.KUNJAYYAPPAN, PALISSERY HOUSE,VIRUPPAKKA,VAZHANI P.O,THRISSUR.

6. ABDUL RAHMAN,S/O.KALANAR,KODAKUZHI HOUSE VAZHANI P.O,THRISSUR.

7. ABDUL AZIZ,S/O.ABDUL RAHMAN, AMBALATHVEETTIL,VAZHANI P.O,THRISUR.

8. BABU M.B,S/O.BALAKRISHNAN,MUTIKKAL

HOUSE,VIRUPPAKKA,VAZHANI P.O,THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.8048 OF 2007-G

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Dated this the 12th day of March, 2007.

JUDGMENT

Petitioners challenge Ext.P11 appellate order under the Kerala Headload Workers Act and Rules. According to them, the private respondents are not entitled to be enlisted as Headload Workers in the area in question.

2. Controversy between the petitioners and the private respondents regarding the right of work as Headload Workers in the area in question led to an apparent law and order situation resulting in Ext.P10 judgment of this Court whereby the Division Bench directed maintenance of law and order, leaving the parties to resolve the matter pending before the labour authorities.

3. A reading of Ext.P11 will show that the concerned authority has adverted to and considered all relevant materials and that the registration of the private respondents as Headload Workers would not, in any

manner, affect the right of any workers whose cause is sought to be espoused by the petitioners, trade union office bearers. I find no jurisdictional error or infirmity warranting interference with Ext.P11.

4. It is stated that after June, 2006, there is no mining licence in the area in question and that, therefore, the enlistment of the private respondents as Headload Workers ought to go. I am not impressed. The mere fact that there is no mining licence in existence is no ground to take away the jurisdictional fact of which the licences have been issued.

While rejecting the contention of the petitioners and dismissing the writ petition, it is directed that the competent official respondents will ensure that there is no mining activity in the area in question without due licence in terms of law. The learned Government Pleader will bring this to the notice of the Geologist having jurisdiction over the area.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-